

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TZVI WEISS, LEIB WEISS, MALKA WEISS,	:	
YITZCHK WEISS, YERUCHAIM WEISS, and	:	
ESTHER DEUTSCH,	:	
	:	CV 05-4622 (CPS)
Plaintiffs,	:	
	:	
- against -	:	
	:	
NATIONAL WESTMINSTER BANK PLC,	:	
	:	
Defendant.	:	
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**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum Of Law In Support Of Defendant's Motion To Dismiss, the attached declaration of Lawrence B. Friedman, dated December 19, 2005 and the exhibits attached thereto, and all the prior pleadings and proceedings herein, Defendant National Westminster Bank Plc will move this Court before the Honorable Charles P. Sifton at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201, at a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendant's motion to dismiss the Complaint for failure to state a claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1 all answering papers shall be served within ten (10) business days after service of the moving papers, and all reply papers shall be served within five (5) business days after service of the answering papers.

Dated: New York, New York  
December 19, 2005

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Lawrence B. Friedman  
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Lawrence B. Friedman (LF 9978)  
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